

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CARY HENDRICK, *et al.*,

Plaintiffs,

v.

DONALD CALDWELL, *et al.*,

Defendants.

Civil Action No.: 7:16-cv-00095 (GEC)

NOTICE OF NEW AUTHORITY

Please take notice that on June 28, 2016, the United States Court of Appeals for the Fourth Circuit issued an opinion in *Thana v. Bd. Of License Comm'rs for Charles Cty., Maryland*, No. 15-1660, 2016 WL 3536694 (4th Cir. June 28, 2016). This opinion had not yet been issued at the time of Plaintiffs' briefing. Plaintiffs intend to argue its relevance at oral argument on Defendants' Motion to Dismiss scheduled for September 15, 2016.

A copy of the Fourth Circuit *Thana* opinion is attached as Exhibit A hereto.

Date: September 6, 2016.

Respectfully Submitted,

By: s/ Mary Frances Charlton
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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2016, I electronically filed the foregoing Notice of New Authority with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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And I hereby certify that I have mailed the document by United States Postal Service to the following non-filing user: N/A

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